

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 SEP -8 AM 10:13

'08 MJ 2751

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Elizabeth OLGUIN

aka: Elizabeth Ploneda-Cardenas

Defendant.


Magistrate Case No. _____ BY KMH DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii) -
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **September 5, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Elizabeth OLGUIN aka: Elizabeth Ploneda-Cardenas**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Candida Hernandez-Marquez** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence, this 8th day of September 2008.


UNITED STATES MAGISTRATE JUDGE

2077
9/5/08
KMH

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

The complainant states that **Candida Hernandez-Marquez** is a citizen of a country other than the United States; that said alien admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 5, 2008, at approximately 0311 hours, **Elizabeth OLGUIN aka: Elizabeth Ploneda-Cardenas (Defendant)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry vehicle entrance. Defendant was the driver and sole visible occupant of a gray 1992 Acura Legend. Defendant approached a United States Customs and Border Protection (CBP) officer for inspection and entry into the United States. Defendant told the officer she was not bringing anything from Mexico and going to San Diego, California. The CBP Officer referred Defendant to secondary for further inspection.

In secondary, a CBP officer noticed a black fabric inside the dashboard vents. The officer inspected the glove box and it too had a black sheet concealing the internal dashboard area. The officer removed the sheet and discovered a person concealed in a non-factory compartment. CBP officers removed the glove box and unplugged the electrical components but were unsuccessful in creating enough space to remove the person from the compartment. CBP officers pried open the glove box assembly and stereo assembly with a large crow bar and unscrewed bolts which did not appear to be part of the vehicle factory assembly. After creating an access point, officers grabbed the person's hands and pulled her from the compartment. It took officers approximately thirty to forty minutes to extract the person from the compartment. Inside the compartment was long metal plate welded to the vehicle's body which enabled the person to lie down horizontally in the compartment. The female was determined to be a citizen of Mexico with no entitlements to enter the United States. She is now identified as **Candida Hernandez-Marquez (Material Witness)**.

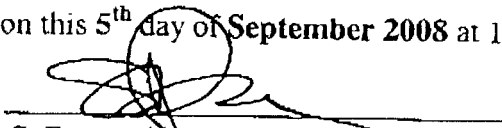
During a videotaped proceeding Defendant was advised of her Miranda rights. Defendant acknowledged her rights and elected to answer questions without an attorney present. During a subsequent interview Defendant admitted knowledge that an undocumented alien was concealed in the vehicle's dashboard. Defendant stated she was to receive a 1992 Chevy pickup truck valued at \$2,500.00 U.S. dollars as compensation for smuggling the undocumented alien. Defendant stated she was to transport the undocumented alien to the Arco gas station on San Ysidro Boulevard located in San Ysidro, California.

A videotaped interview was conducted with Material Witness. Material Witness declared she is a citizen of Mexico with no legal right or entitlement to enter the United States. Material Witness stated she made the arrangements with a male smuggler she met in Tijuana, Mexico. Material Witness stated she did not know how much money she was going to pay to be smuggled into the United States. Material Witness stated she intended to travel to Los Angeles, California to resume her residence.

Continued on page 2

Continuation of Probable Cause Statement

Executed on this 5th day of **September 2008** at 1700 hours.


S. Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 2 pages, I find probable cause to believe that the defendant named therein committed the offense on **September 5, 2008** in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

9/6/08 Noon
DATE / TIME